

### **REMARKS**

Claims 1-31 are pending in the application. Claims 1-20 and 22-31 have been rejected. Claims 9 and 21 have been amended. No new matter has been introduced. Acceptance is respectfully requested.

#### **Allowable Subject Matter**

Claim 21 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 21 has been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Therefore, Claim 21 as now amended is in condition for allowance.

#### **35 U.S.C. § 102 Rejections**

Claims 1-20 and 22-31 have been rejected under 35 U.S.C. 102(b) as being anticipated by Johnson *et al.* (“A Method for Direct Audio Search with Applications to Indexing and Retrieval”).

Regarding base Claim 1, the Examiner states in the Office Action at Page 8 that the “distance matrix” claimed by the Applicant is the distance metric described in Johnson *et al.* Johnson *et al.* describe comparing “the covariance matrix of the cue audio with that of segments of the same size in the audio data to be searched” using a distance metric. Johnson *et al.*, however, do not describe using the distances calculated using the distance metric to form or generate a matrix of distance values (i.e., the distance matrix). Each element of the distance matrix may be a distance value between two covariance matrices calculated using a distance metric, such as the AHS distance described in Johnson *et al.* See Figure 4 and page 7, line 12 through page 8, line 2 of the specification as originally filed. Thus, the “distance matrix” of base Claim 1 is not the same as the distance metric described in Johnson *et al.*

Because Johnson *et al.* do not disclose the generation of a distance matrix as set forth in base Claim 1 (“generating, as a result of the comparing, a distance matrix”), Applicant respectfully requests that the rejection of base Claim 1 be withdrawn.

Since dependent Claims 2-8 depend from base Claim 1, they are likewise not anticipated by Johnson *et al.* and Applicant respectfully requests that the rejection of Claims 2-8 be withdrawn.

Regarding base Claim 9, the Examiner states in the Office Action at Page 9 that Johnson *et al.* disclose comparing each of the covariance matrices in the sequence with each other covariance matrix in the sequence to generate a distance matrix. As with Claim 1, however, Johnson *et al.* do not teach generating a distance matrix. Johnson *et al.* teach dividing a long portion of target-audio into windows. The AHS distance metric is applied to a small piece of cue-audio and each window to find the cue-audio in the target-audio. But Johnson *et al.* do not take the additional step of generating from the compared audio segments a distance matrix. Claim 9 has been amended to make clear that the additional step of generating a distance matrix (from the comparing step) is a separate and distinct element of Claim 9. Support for amended Claim 9 can be found in the Specification at least at page 11, lines 12-15. Because Johnson *et al.* do not teach “from the comparing, generating a distance matrix” as claimed in now amended Claim 9, Applicants respectfully request that the rejection of this claim under 102(b) be withdrawn.

Since Claims 10-20 depend from Claim 9, they are likewise not taught by Johnson *et al.* and the rejection of these claims under 102(b) should be withdrawn.

Since independent Claim 22 is a system claim of Claim 1, the rejection of Claim 22 under 102(b) should be withdrawn for the same reasons that the rejection of Claim 1 under 102(b) should be withdrawn as set forth above. The patentably distinguishing language of Claim 22 recites “a distance processor...operable to generate, as a result of the comparing, a distance matrix indicative of signatures generated from similar samples in the match stream.” Since Claims 23-28 depend from Claim 22, they are likewise not taught by Johnson *et al.* and the rejection with respect to these claims under 102(b) should be withdrawn.

Since independent Claim 29 is a computer product claim of Claim 1, the rejection of Claim 29 under 102(b) should be withdrawn for the same reasons that the rejection of Claim 1 under 102(b) should be withdrawn as set forth above. The patentably distinguishing claim language of Claim 29 recites “...computer program code for generating, as a result of the comparing, a distance matrix indicative of signatures generated from similar samples.”

Since independent Claim 30 is a computer data signal including program code claim of Claim 1, the rejection of Claim 30 under 102(b) should be withdrawn for the same reasons that

the rejection of Claim 1 under 102(b) should be withdrawn as set forth above. The patentably distinguishing language of Claim 30 recites "...program code for generating, as a result of the comparing, a distance matrix indicative of signatures generated from similar samples."


Since independent Claim 31 is a means plus function claim of Claim 1, the rejection of Claim 31 under 102(b) should be withdrawn for the same reasons that the rejection of Claim 1 under 102(b) should be withdrawn as set forth above. The patentably distinguishing term of Claim 31 reads "means for generating, as a result of the comparing, a distance matrix indicative of signatures generated from similar samples."

### CONCLUSION

In view of the above amendments and remarks, it is believed that all claims (Claims 1-31) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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Dated: 